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# A STUDY OF "OPEN GOVERNMENT": The Case of Alberta

Every government has an interest in concealment; every public, in greater access to information. In this perennial conflict, the risks of secrecy affect even those administrators least disposed at the outset to exploit it.

Sissela Bok, Secrets: On the Ethics of Concealment and Revelation *1

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The definitive definition of "open government" does not exist, although the term is currently very often used in Western Society. The phenomenon is as yet so amorphous that government officials can offer reassurance to the constituent public in vague statements claiming its presence in their jurisdiction without being threatened by members of the media or public who have tangible evidence to disprove such claims. Nevertheless, there are individuals in both the public and the media who harbour suspicions that perhaps claims of "openness" can be scrutinized and evaluated and have begun to accumulate the proof.

Essentially "open government" is an uncomplicated phenomenon having more to do with attitudes than with any specific piece of legislation or government agency. It means that members of the public have the sense that they are contributing to their own government, and are responsible and, collectively, are in control of their society. It means that the individuals who comprise "the government" feel that they can be held accountable by the public because they are responsible for serving the public's interests. And finally it means that there is a commitment by all parties concerned to translate the attitudes of open government into actions; to create and establish procedures by which the exchange of information occurs. Information is the currency of open government.[2]

The criteria which can be evaluated to determine the "openness" of an organization like a government must, therefore, include the following:

1. Government officials necessarily recognize the obligation to inform the public about public policy and the decision making process. Procedures for the transmittal of such information must be established and maintained.

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2. "Members" of the polity/society possess the opportunities to have an affect on the development and administration of the public policy, to express opinions and concerns; to exercise traditional democratic rights. Again, formal procedures to accomplish this are required.

3. Both parties must have freedom from suspicions about each other for the sake of an efficient, consistent, effective environment where they can work together instead of at cross purposes.

The procedures essential to the achievement of open government fall into two major categories; direct exchange and indirect exchange, each of which have several sub-categories associated with specific public or legislative activities. The purpose of the paper is to carry out a general discussion of these categories with appropriate examples from the government of Alberta.

The examples that will be used are derived not so much from textual sources, although there are some, as from observations made during the course of the Internship or in discussions with Members of the Government and Opposition Caucuses, the media, and various officials of the Legislative Assembly. Many of the discussion situations were informal, some less so. Nevertheless, the sentiments expressed were either reinforced by personal observation or corroborated by other individuals independently and, therefore, have appropriate credibility for inclusion as sources. Textual sources include scholarly works on general topics concerning secrecy, open organizations and "access" legislation, as well as internal legislative documents such as Hansard, departmental reports, proposed legislation and former Interns' academic papers.

The phenomenon of open government is, of course, much more complex than indicated by the treatment given it here. There are many extensive works each concerned with only one aspect dealt with in this paper. This

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study is undertaken with the goal of indicating a set of criteria which can be used to rapidly identify specific attributes of a government that argue for its being either open and responsive or secretive and arbitrary.

The center of focus for the public's indirect exchange are the elected members of the legislative assemblies and the procedures established to facilitate their efforts. There is a general assumption made by the public that the elected representatives are undertaking on their behalf to conduct the affairs of government in their best interests. Also, members of the public have a conception of their right to participate in the serving of those interests even if only by being periodically informed about their status. The perception of how those interests are served includes the surveillance of the public accounts, the administration of social services, and maintenance of consumer and business practice standards. The members are expected to perform these activities within the procedures established by the legislative assembly and the structures of their party and caucus.

Much criticism has been levelled at Canadian Parliamentary institutions in recent years because of the seeming lack of efficacy of the private members. The House of Commons in Ottawa has lately adopted a Reform Bill which is intended to increase the scope and the value of the Members of Parliament's work. Committee size and structure have been altered, as have the rules for debate in the Assembly. In Alberta, a strong caucus committee system already exists and the members feel the value of their work is, and has been, substantial. They have the opportunity to formulate tentative policy positions for the Alberta government in their specific jurisdictions and they have the authority to meet and receive delegations from the public.

The reason for Alberta's early strengthening of its caucus committee structure is the traditionally large majority returned to the Assembly for the government party. The election of November, 1982 gave the Alberta

Progressive Conservatives yet another overwhelming majority. The Lougheed Conservatives outnumber their bifurcated opposition seventy-five to four, an increase in their superiority of seats from a pre-election ratio of seventy three to six. The danger of a possible legislative defeat of the Conservatives can obviously be laid to rest in such a situation. However, there are other organizational dilemmas which have to be dealt with. The difficulty of organizing and controlling such a body as the Alberta Conservative Caucus is great. Further the cabinet, although large by provincial standards, is only slightly larger than a third of the entire caucus. It would be more than possible for the private members to raise a substantial body of objection to Cabinet proposals with which they did not agree. Therefore, the creation of special jurisdictional caucus committees to study and present reports to cabinet and all of caucus provide private members with avenues for making contributions and expressing opinions before the issues are brought to a vote before the party caucus.

The role of the party in controlling the caucus is also highly important. Besides providing an easily identifiable banner under which its members can campaign and vote in elections, the party structure of the Alberta Progressive Conservatives also maintains an effective, disciplined organization to support its elected members and leaders. Although the party claims to contain individuals from various segments of the political/ideological spectrum, this purported diversity is well subsumed in the overall unity of the Conservative "team". Nancy Pawelek, in her paper Alberta Politics in Flux, makes the claim that maintenance of the "team spirit" is an essential objective of the leaders of the party. "To maintain this strength, policy criticism and new ideas are aired at forums such as conventions under carefully controlled conditions".[3] In such situations, where criticisms or new ideas could create

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potential threats, effective disarmament can be achieved by a referral to a committee or study group. The National Conference of State Legislatures emphasized this aspect of committees as well in their statement; "Committees serve an important function by facilitating compromise and allowing for disagreement".[4] Hence the Progressive Conservative Party is able to maintain an extremely tight image of cohesiveness and dedication to party goals which is an essential attraction to the electorate.

Similarly within the structure of the government caucus, ideas and concerns can be raised and dealt with as long as party solidarity is maintained within the assembly. Members of the Alberta government caucus claim that a variance of ideas and solutions to problems exist and are freely expressed at the short, daily and longer weekly meetings of the caucus. These same members maintain that resolution of these differences usually occurs by the achievement of "concensus" after general discussion and the use of persuasive argumentation, although occasionally the more formal imposition of the will of the majority is achieved by the casting of votes.

The Honourable Mark MacGuigan in his discussion of the "Backbenchers, The New Committee System, and the Caucus" in Politics: Canada implies that necessarily cabinet ministers have considerably more influence in the founding of policy because of their elemental role in introducing legislation.[5] His perception of the purpose of the caucus is for consultation and the determination by the cabinet ministers of the "will of the people" in a more informal setting than is available in the House of Commons. MacGuigan's arguments and conclusion that, "Undoubtedly the years have seen a lessening in cabinet absolutism and a growth in cabinet democracy, but even yet caucus control of cabinet is weak and interstitial"[6], places some doubt on the enthusiastic assertions of Alberta caucus members. Although the Alberta

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situation is undoubtedly not the same as that in Ottawa simply on the basis of caucus size and party solidarity, MacGuigan's comments would still seem applicable. Despite the vehement emphasis placed by various caucus members on the fact that the caucus takes a major role in the initiation as well as the development or alteration of potential government policy, it is the "Priorities" Committee, a subgroup of the cabinet, which is responsible for the setting of the agenda for both Cabinet and Caucus meetings. While the caucus may contain individuals from diverse points on the ideological spectrum, their status as members of the Progressive Conservative "team" means that although they may express their views from the "left" or the "right" of the party's "center" and attempt to sway others, within the confines of the caucus, the decision of the caucus, which includes the cabinet, is final.

Finally, there is the element of political expediency which all private members must consider. Again, quoting MacGuigan:

> There have always been two controls which kept the backbenchers in line. The positive one was that of advancement, which does not need to be explicit in order to be read; while "yes" men are not necessarily promoted, "no" men almost never are (and hence there have been very few of them). The negative factor was effective where a sufficiently large number of backbenchers was involved to make individual reprisals inpracticable. A government's most potent weapon is to threaten dissolution of Parliament and a general election.[7]

Further, there is the realistic consideration which must be realized by all members that resistance to and obstruction of proposed government policy defeats at least one purpose of being elected to office' that is, the opportunity of being in a position to advance the interests of those people in the constituency. As Bagehot explains in The English Constitution, ..."the principle of Parliament is obedience to leaders ... The penalty of not doing so is the penalty of impotence."[8]

Within the framework of the activities of the Legislative Assembly, both opposition and government members are provided with the opportunity to

discover information and make comments about policy, structure, programs and activities of all government departments through the procedures of asking oral or written questions or making motions for return. There are numerous rules pertaining to the asking of questions and the motions for return, and specifically in Beauchesne's, the rule and style manual for Canadian parliamentary procedure, there exists a list of forty grounds on which written questions can be ruled out of order or inappropriate and twelve which particularly apply to oral questions.[9] The interpretation and strictness of the application of Beauchesne's rules and guidelines is left to the discretion of the individual Speakers of the assemblies. No matter how liberal the interpretation is, there will still be members who insist that the restrictions placed upon their questions are limiting and against the spirit of democratic free speech. Presently, however, it appears that the trend is for more strict interpretations. The deputy Speaker for the Ontario Legislative Assembly recently addressed the issue of long, rambling questions and answers during the oral question period, saying that the Speaker's new ruling is to disallow multiple-part questions. This specifically stresses the dilemma faced by a Speaker due to the dual role he fulfills.

> His role is not only to keep question period orderly, but to attempt to allow all members an opportunity, within time restraints, to ask questions.[10]

In Alberta, it is generally conceeded that the Speaker, Gerard Amerongen, interprets Beauchesne's relatively more strictly than is the case in most other Canadian Assemblies. Alberta's question periods and debates are, therefore, more decorous and some might say, less informative than others. A further impediment to information exchange is the ability of the government house leader or the minister to whom the oral or written question

or motion for return is addressed to deny, defer or amend the questions. The opposition has on several occasions risen on a point of order to object to a minister performing one of these operations on a question since it thwarts the opposition and the public in their legitimate search for information and reduces their ability to assess and hold the government accountable for its actions.

Although the opposition makes more extensive use of the oral and written question procedures, there is a role for private members to play in this area, especially in light of the very small opposition in Alberta. It has been suggested (see Paul Wood, One Party Dominance in Alberta, Intern Paper, 1976)[11] that since the opposition is so small the government needs to assume part of that role including the acceptance of the diverse interests of the Conservative Party's broad membership. As discussed earlier, the potential for substantial organized opposition or lobbying for altering cabinet proposals is considerably greater in the Alberta Caucus than in most other legislative assemblies. This does not negate the import of the previous section's thesis that the caucus is easily held in check by cabinet, but it does have implications for less critical, non-policy decisions of the government. Requests by individual or groups of members for specific programs to assist constituents are more likely to be favourably received by the Conservatives who seem to recognize the necessity of "repaying" political debts, as long as the procedure does not become too expensive or unpopular.

Typically, the private members who do ask questions in the Assembly during oral question period, ask constituency oriented questions. Usually it is the practice of the members to advise the minister in advance of the question, which gives the answers the aura of ministerial announcements. Occasionally, however, the questions are spontaneous, especially as supplementary to something which the opposition has been pursuing. These, more

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often than not, are in the form of assistance to the minister to allow a more extensive answer or a shift away from the negative aspects being emphasized by the opposition member's questions. Generally, since private members are not attempting to harass or embarass the ministers, the responses to their questions are more detailed and direct than is frequently the case with opposition queries.

The types of questions usually posed by the private members, therefore, do not really fulfill the mandate of keeping the government accountable as well as they could within a "free caucus" situation. Similarly the issue of financial responsibility is a difficult one for the private members to maintain compared to opposition members. Because of the importance of having full government support for the budget division, the private members have a great disadvantage in reviewing the accounts during the budget debates. Although members may wish to express disapproval of certain expenditures, their sanction could not conceivably be translated into the form of a vote against the government. One specific area where accountability is a problem is the Heritage Savings and Trust Fund. Although there is a legislative committee which has the Fund within its jurisdiction, many aspects of the administration and organization of the Fund are classified as secret to protect its financial business advantage in the investment market place.

As in other legislative assemblies, the government private members in Alberta also have the opportunity to contribute to the discussions in the assembly, by introducing bills and motions. Similarly to the changes introduced in the Commons Reform Bill, the Alberta Legislative Assembly has also undertaken to concentrate the "non-Government business" days in the Assembly to lengthen the amount of time in one block where private member and opposition bills and motions are debated. It is still true that the vast

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majority of these bills and motions are "talked out" without reaching a vote yet it is not impossible for one or two of the forty or fifty routinely introduced in a session to pass. In the first session of the Twentieth Legislature a private member's bill to amend the Blind Person's Rights Act was passed although it had first to be transferred to the Government roster. Also there are instances where private members sponsor Government bills through the Assembly debates either because of a special interest they have in the subject or as a show of confidence or a test of mettle by the leadership.

The members elected to the Legislative Assembly who belong to other than the party which wins the majority in the election, of course form the opposition. The activities of the opposition are very similar to the activities of private members but their role is quite different. The opposition offers itself as an alternative voice to the government and seeks to criticize and alter policy and administrative behaviour. Further, the opposition members are much less inhibited than their counterparts on the government side in their efforts to make the cabinet ministers, and Government as a whole, accountable to the public. In Alberta specifically, the small size of the opposition has caused problems for the opposition members who admit that they do not have the time or resources with which to analyse and monitor in detail the activities of twenty nine departments.

Despite the hardships, the opposition makes its most public reflections on the inadequacies of the Government during the oral question period although they utilize the less public written questions and motions for return much more than private government members. Also their involvement in the debates of the assembly is important and impressive in light of their numbers, even when the results of a division are predictably disheartening.

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The procedure of the Alberta Legislative Assembly's oral question period has evolved somewhat to compensate for the Opposition's reduced position and to provide at least a semblance of parity with the Government. Traditionally in Alberta the Leader of the Official Opposition has the Assembly's permission to ask the first two questions and usually a number of supplementary questions with each. Next the Leader of the Independent Opposition members has permission to ask one question with supplementaries. After that, the other two opposition members are usually allowed to ask their questions before any private member who wishes to pose a question is recognized by the Speaker according to his list. As mentioned earlier, however, the getting of an answer from the government is not as simple as asking a question. Although the cabinet ministers do not often refuse to answer questions, it is taken to be part of the political game to avoid direct answers in replies to the opposition. Also because the opposition often sets out to discredit or embarass the minister indicated in the question the Government members respond with guarded answers and are on the defensive. An evaluation of how easily the opposition can ascertain information or render assistance to a constituent is valuable for assessing how open a government is.

The cabinet ministers of any Government each have, over and above their duties as elected members, the responsibility for a department of people and programs and policies. Many of the departments are large and complex and much of the ministerial responsibility is delegated to other officials. The role of the ministers is important in establishing attitudes which help determine the openness of the department and its willingness to deal with direct exchanges of information with the public.

The second category of criteria that of direct exchange, is further divided into subcategories which can be classified under two general themes:

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that of public ability to give information to government, and the second, the ability to get information from government. The two are of similar importance although it is the accessibility of information from government which catches the attention of the media.

The ability of the public to express itself to its government is an essential part of a democratic system. Part of that expression is made by the election of a representative to the Legislative Assembly, but in many instances individuals or groups sense the need for a more direct confrontation. Hence the utilization of lobbying, demonstrations and petitions. All of these are legitimate avenues of approach and an evaluation of their success rates would indicate an appropriate measure of open government. Public demonstrations to the steps of the Legislature in Alberta come in all sizes, yet, have a fairly consistent failure rate. Usually a member of cabinet will appear and offer to hear a presentation of the group's concerns, although this is not guaranteed. Ken Mills researched public demonstrations to the Legislature in Alberta for eight years spanning 1973 to 1981. His conclusion is that they essentially failed to achieve a positive response by the Government.

> The sizeable mandate enjoyed by the Government provides sufficient electoral security for the Government to disregard the annoying vocal protestation of many pressure groups. Appendix II lists those groups that took an issue to the steps of the Legislature since 1973 and effectively illustrates the point. (56 demonstrations are listed of sizes ranging from 7 to 3,000). Of all the organizations that protested, only two, the Nurses on the question of wages and the National Farmers Union on the establishment of a national cow-calf program, succeeded in completely achieving desired goals. In both cases public opinion was sufficiently mobilized in favour of the issue to obtain government action. In both cases, however, action was taken that exceeded mere outcry. The Nurses went on strike and the Farmers occupied the twelfth floor of the Agriculture Building for several days.[12]

Besides demonstrations, public interest groups also resort to lobbying either their own M.L.A. or a member of Cabinet, usually the one responsible for the

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area of their interest. It is hoped that the informed or lobbied Minister will take the concerns or point of view into cabinet meetings and voice them there. In Alberta, because of the large Cabinet, members of the public have more cabinet ministers to choose from, however, the ministers are frequently able to avoid becoming involved with interest groups due to the existance of the caucus committee system, and the complex bureaucracy. Ken Mills outlines the situation thus "....virtually every major Department has a 'Planning and Research Secretariat' which amongst other functions, serves as a mechanism for interaction with interest groups. Some Departments such as Advanced Education and Manpower have established a 'Legislative Services Office' for the express purpose of communicating with interest groups."[13] As for the role of M.L.A.s in caucus committees, Mills sees positive and negative aspects.[14] The various caucus committees of the Covernment are responsible for receiving delegations of public interest groups to assess their presentations for the rest of the caucus. This helps to inform many more private members than was previously possible. There is, however, a sense of disappointment on the part of the interest group which wishes to gain access to cabinet ministers. The public does not perceive that the caucus committees are the policy makers upon whom they need to exert pressure and influence. And while the caucus itself may stress the verity of the caucus committee strength, there is some justification for the public's belief that the cabinet ministers, and Priorities Committee Members especially, are more properly the focus for lobbying. Although the Opposition does receive some lobbies there is a fear among the interest groups that an approach to the Opposition might jeopardize advances made with the Government. The opposition members, then, tend to get only those groups which have exhausted all other avenues of appeal.

Another information generating technique which can have positive or

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negative ramifications is the public inquiry or public hearing. The Government of Alberta has a rather ambigous reputation for the affectiveness and sincerity of their public hearings. There have in the past been hearings dealing with the placement of dams, hazardous waste sites, sanitary land fills and many other environmental and social issues. Also, in order to gather information and concerns about proposed legislation or amendments to existing legislation the Government may hold public meetings. The hearings are a good opportunity for the government and the public to exchange information. The events are usually well covered by the media and groups with relevant concerns are encouraged to present briefs. The government may also take the opportunity to make presentations or to ask questions of the other presenters. The ambiquity becomes apparent in the government's determination of the process of the hearing.

In 1981 the Select Committee to Review Surface Rights presented a report to the Legislative Assembly of Alberta with recommendations on how to amend the Surface Rights Act, C-91, SA 1972. The report arose from the public hearings the Committee had held about the province. Although not all the recommendations of the committee were incorporated into Bill 60, the new Surface Rights Act introduced May 20, 1983, there was little public outcry because of the prior consultation and the public's opportunity for contributing. On the other hand, the Alberta Government's public hearing on Bill 44, The Labour Statutes Amendment Act caused a great deal of public consternation. Unlike the Surface Rights Act which was drafted at least a year after the public hearings' report was received by the Legislative Assembly, Bill 44 was written and introduced in the Assembly before the public hearing was held. Furthermore, the amount of time allotted for the hearing was restricted to one five-day workweek in which the Assembly adjourned in order to hold the hearing with all members of the Assembly on the Committee.

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In order to maintain the schedule the groups who wished to present briefs were given two weeks to give notice of intent and another week to present the written submission to a sub-committee which screened and selected those which would be allowed to supplement the written brief with an appearance before the committee. All the rest were compiled as written presentations to the members. Although a volume of amendments to the introduced bill were later submitted to the Assembly, very little of the essense of the bill was changed despite the expressions of dissatisfaction heard in the Council Chambers between April 25 and April 29, 1983. The media and the opposition members criticized the Government far its arbitrary actions in the pretence of holding an open public hearing.

The ultimate method for the public as a group to convince the Government of its dissatisfaction and its intention to work for change is their exercise of the franchise in a general election. A discussion of the November 1982 provincial election in Alberta cannot begin without at least mentioning the importance of the February 1982 by-election in the riding of Olds/Didsbury. The by-election was held to replace retiring Social Credit Leader Robert Clark, so the riding was traditionally a non-Conservative seat, yet the election of Gordon Kesler, a member of the Western Canada Concept, created a furore across the province and in the Assembly. There was no little concern about the fact that the Western Canada Concept was capturing popular support throughout the province by expressing opinions about both Western oppression by Eastern Canada and the inability of the provincial Conservatives to maintain a strong position against their incursions.[15] There were predictions that the W.C.C. would play a most important role in the next election based on speculation that they were a new populist party which would sweep the province as once the Social Credit had. The provincial Progressive Conservatives appeared to be slightly concerned about a possible loss of seats to all the opposition

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parties who after the by-election had sought to capitalize on the anti-government sentiment that had been expressed. The Conservatives, therefore, campaigned quite vigourously, especially in perceived swing ridings like Edmonton Strathcona and St. Paul where the opposition was fielding strong candidates. Also, the Lougheed Government announced just before the election call, the interest reduction and mortgage sheilding plans to be funded by the Heritage Savings and Trust Fund for the benefit of Albertans from all sectors of the economy. This effectively undercut the promises of many of the challenging opposition parties who were with the Conservatives and each other for the best schemes to use the money in the Fund. The impact of the public during the period of the election was such that it could cause the Government to move away from the "saving" aspect of the Fund to create some tangible benefits for the electorate. Part of the Conservative campaign was also spent in making a concerted effort to enhance the image of the party as a caring and open organization which listened to its constituents, the people of Alberta. At least the Conservatives recognize that the appearance of openness enhances popularity and quells concerns about public access.

The overwhelming majority won by the Conservatives illustrates not only the public's identification with the general conservative principles of Lougheed's party but also their acceptance of the image of openness. This public attidute persists despite the fact that the Progressive Conservative Government of Alberta consistently denies the desirability of enacting "Freedom of (or Access to...) Information" legislation. Legislation of this type is a basic requirement for a truly open government because it establishes the right of the citizens to have their questions about how the government is fulfilling its mandate answered, or at least to be given an explanation

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of why the questions cannot be answered. It is granted that there are already established procedures for learning about the publicized aspects of government but often it is the unpublicized aspects that most intimately affect individuals. Arguments about the desirability of the public gaining access to knowledge about government administrative procedures and policy making have been presented in numerous texts and articles. The issue is not unique to Canada and much of the following discussion is generated from British Parliamentary experience which in the past has been consistently closed but is now studying the issue in an attempt to improve openness and accessibility. In Britain it is impossible to take a public service job without signing the Official Secrets Act which prohibited disclosure of any facts or general information about the government and prescribed penalties including fines and dismissal for any "leaks". Now there are directives intending to encourage more openness on the part of British Civil Servants because of the excessive secrecy that was the norm there. Alberta also requires the signing of an "Official Oath" but it is less complex. The act of having employees sign the Official Secrets Act, explains one author, "has almost nothing to do with national security" but rather " has a great deal to do with indoctrinating civil servants into the culture of closed government."[16] There is a consensus among the authors, Wraith, Kelner and Crowther-Hunt, and Bok that British civil servants and politicians were seeking to preserve the "mystery" of government.[17] Sissela Bok, author of Secrets: On the Ethics of Concealment and Revelation, speaking more generally of any government agrees with the British assessment. "The more thoroughly government leaders control secrecy and openness, the more they resort to ritual and heirarchy to reinforce such an aura.[18]

In Canada similar attitudes exist and Ged Baldwin, Member of Parliament

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for Peace River had a long battle in the House of Commons in order to gain acceptance from the government for his proposed Access to Information Legislation. The fact of potential Freedom of Information legislation in Alberta was practically sealed when both Premier Lougheed and House Leader, Neil Crawford, announced that such legislation was unnecessary because Alberta already has an open government, and access legislation is really only a fad anyway. Alberta is not the only province without access legislation, but it is surprising for a government which enacted a bill of rights and the Individual Rights Protection Act, as two of its first bills, not to be willing to enact such similar legislation. Although no one would attempt to claim that these acts solved the problems of discrimination or prejudice in Alberta, they are highly symbolic of the attitude and image the new Progressive Conservative Government wishes to convey.

Freedom of Information legislation provides first for a change in attitude for government officials so that the right of the public to learn about policies and the other options that were considered and rejected is acknowledged. As Bok outlines:

> ...a guarantee of public access to government information is indispensable in the long-run for any democratic society. When such a guarantee is enforced, it changes the public's view of what it has a right to expect and reduces the hesitation that government officials otherwise feel about whether or not to disclose information. It works against the inevitable tendency of government secrecy to spread and to invite abuses, and it provides an avenue for publicity that is more than public relations.[19]

Second, it provides the procedures for helping the public to gain access to that information. Certain categories of documents are generally accepted as necessarily secret, such as defense or criminal information, private personal or corporate information held by governments and the working papers of government departments, agencies and institutions. The proposed

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legislation offered to the Alberta Assembly has recognized these exceptions, yet members of the Assembly still voice fears that these types of information will "get into the wrong hands", and jeopardize the security of the province and the privacy of individual citizens and private enterprise. Besides the control of sensitive material many members express concern about the cost of implementing access legislation. This might be a legitimate concern if it was not already the case that potential information dispersal offices already exist in Alberta with limited or under utilized capacity. Further, it is within the provisions of the legislation to provide for the collection from the participating public of some of the administrative costs. Examples of potential information dispersal offices include the newly established ministry without portfolio responsible for Public Affairs and the Public Affairs Bureau itself. Others are the Women's Bureau, which currently has a collection and dispersal function of published works but not the ability to undertake research, and the Energy and Natural Resources Information Center, which similarly is presently only allowed to answer questions "that have (already) been answered by someone else."[20] In a truly open government the mandate of these offices would be broadened to encourage the staff to undertake searches for requested information or the provisions for locating specific answers to questions posed by the public.

The institutional avenues that currently exist for information dispersal include departmental libraries that contain annual and special reports (not classified as secret) issued by the departments. The quality of the information in annual reports is variable between the departments involved, but usually consists of cursary outlines of the department's divisions and the programs they are responsible for administering. Often, however, the reports that are tabled in the Legislative Assembly are one

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fiscal year out of date so that the statistics and data is irrelevant. The excuses offered for this situation include the manifold problems with processing the statistics for the financial and other statements yet these do not explain the instances where departments or agencies are able to have their reports tabled within three months of the end of the reported fiscal year. Further, it has been the case that the government can delay the reporting of a special report (the case of the PWA sale task force) or declare a previously public report to be secret before it is released. None of these actions are acceptable practice for an open government. One final irony is to be found in the Government Services brochure dealing with the subject of the "Public Records Committee". The brochure defines "Public Records" and the mandate and composition of the Committee. Section 2, in response to the question, "Why are they called public records?", answers in a manner that sums up the dilemma of access legislation; "They are so called because they are created in the course of administration on behalf of the public. The term does not mean, however, that the records are automatically open to public examination."[21]

The members of the media are often the most vehement champions of access legislation, seeing it as essential to their own job to inform the public as a sort of delegated intermediary and to operate as a watchdog over government to protect the public's interests. The importance of the role of the media in relating information from the government to the public becomes obvious when it is recognized that very few people watch the Legislative Assembly's sessions in person nor has the general public the opportunity to have cabinet ministers explain personally the impact of purpose of specific legislation or policy decisions. Claims by the media that certain ministers especially the Premier or officials are inaccessible to answer questions about current issues, or are unwilling to do so when confronted by

a reporter, indicate a serious setback for both the media and the public who rely on such sources for their information.[22]

John L. Martin in the Handbook of Political Communication[22] describes the media/politician relationship as symbiotic and explains the degree of interdependence that has developed in spite of mutual suspicions. The politicians need media coverage to perpetrate their public image for election campaigns, and during their term in office, to maintain that positive image in case of re-election. However, in order for politicans to receive positive coverage when the news is good, they must recognize the need for honesty and openness even when the news is bad. The media in Alberta believe that the government is secretive and they therefore work in opposition to the government, which reinforces the suspicions and encourages greater secrecy. There is created, from this tension, a specitic bias in the reporting of events at the Legislature which is passed on to the public. Very little of what actually goes on in the Assembly is actually reported. The oral question period receives media recognition but the debates receive little. The media personnel read Hansard but that material infrequently reaches the consciousness of the public. In this sense the role of the media, because of its monopoly on information dispersal inforces the secretive nature of government. The general public has even less access to information because of apathy or inability to personally attend sessions of the Legislative Assembly and the neglect of the media.

John Doig commenting on governmental secrecy quotes a report issued by Don Wall, a senior Privy Council official commissioned to report on secrecy, as saying, "...the function of government is 'inseperable' from government itself - 'to govern is to inform - to be well governed is to be well informed ....".[24] That sentiment is stressed over and over in the literature on open

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government. John Rudnick states emphatically, "Without access to meaningful information, there can be no open government and hence no accountability".[25] The criteria that have been discussed above, sketch an image of the possible features of an open government. First, there is a recognition of the public's right to knowledge about its government. Second, it is acknowledged that once informed the public has a right to contribute to its government. Third, the public's right not to be suspicious of its government, which has a corollary that they take some of the responsibility for watching and contributing to the activities of the elected representative assemblies, involves the creation, maintenance and sincere utilization of policy and procedures designed to fulfill the first two criteria. Foremost among these policies is necessarily Access to Information legislation.

Norman Lee expressed the opinion in the Edmonton Journal that "By focusing on the impact of freedom of information upon 'public government' or the state, one loses sight of the fact that governments are already the most open of major institutions".[26] While this may be true, relative to the extremely closed institutions of private business, it is not true that any government can claim to be as open as ideally conceived in the specified criteria. The negative affects of closed government should be unacceptable to members of a democratic state, and especially elected representatives in Legislative Assemblies like Alberta. "Secrecy can harm those who make use of it in several ways.

> It can debilitate judgement, first of all, whenever it shuts out criticism and feedback, leading people to become mired down in sterotyped, unexamined often erroneous beliefs and ways of thinking.[27]

Alberta, so recently reminded of these facts by the Keegstra affair, needs no other examples of the verasity of that statement.

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Although the Alberta Government cannot be portrayed as an extremely closed institution, neither can honest individuals let its claim to "open government" remain unchallenged in the light of its refusal to enact access legislation, its ambivilent attitudes towards the media, and its slightly tarnished reputation from its dealings with individuals and lobbyists seeking participation in the process of government.

## FOOTNOTES

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